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PTO/SB/21 (modified)  
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence during pendency of filed application)</i>	Application Number	10/054,477	
	Filing Date	January 18, 2002	
	First Named Inventor	Michael C. Stewart	
	Group Art Unit Number	3739	
	Examiner Name	Not Yet Known	
Total Number of Pages in This Submission	10*	Attorney Docket Number	80121-05730

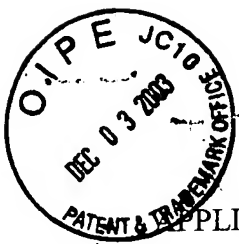
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REMARKS: \*Page count does not include cited references.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Michael C. Stewart, et al.  
APPLICATION NO.: 10/054,477  
FILING DATE: January 18, 2002  
TITLE: Vessel Harvesting Apparatus And Method  
EXAMINER: Not Yet Known  
GROUP ART UNIT: 3739  
ATTY. DKT. NO.: 80121-05730

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**Under 37 CFR §§ 1.56 and 1.97-98**

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose. A concise explanation in accordance with 37 CFR §1.98(a)(3) of the relevant portions of the cited references that are not in the English language are believed to be set forth in the summaries as follows:

**Reference H24669:** Figures 1-3, and the associated descriptions disclose a clamp device for cauterizing and/or cutting tissue.

**Reference SU 639545:** Figures 1 and 2, and the associated descriptions disclose an electrocautery clamp device for cauterizing and/or cutting tissue.

**Reference DT 2550693:** Figure 1 on page 11, and the associated descriptions disclose a clamp device for cauterizing and/or cutting tissue.

**Reference DE 3002088:** Figure 1 on page 5, and the associated descriptions disclose a two-armed medical device for cauterizing and/or cutting tissue.

**Reference SU 1498474** Figures 1-5, and the associated descriptions disclose a clamp device for cauterizing and/or cutting tissue.

**Reference DE 40469** Figures 1 and 2, and the associated descriptions disclose a medical device with serrated edges for cauterizing and/or cutting tissue.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☒ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
  - ☐ attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR
  - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
    - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
    - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;

- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
  - ☐ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
    - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
    - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND
  - ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
  - ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. APPLICATION NO., filed on DATE FILED, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- ☒ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,  
MICHAEL C. STEWART, ET AL.

Dated: 12/1/03

By: A.C. Smith

Albert C. Smith, Reg. No.: 20,355

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STATEMENT BY APPLICANT****Complete if Known**

Application No.	10/054,477
Filing Date	January 18, 2002
First Named Inventor	Michael C. Stewart
Art Unit	3739
Examiner Name	Not Yet Known
Attorney Docket Number	80121-05730

Sheet

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of

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**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number - Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-6,432,115	08-13-2002	Mollenauer, et al.
		US-H1,904	10-03-2000	Yates, et al.
		US-6,077,277	06-20-2000	Mollenauer, et al.
		US-5,914,062	06-22-1999	von der Heyde
		US-5,868,785	02-09-1999	Tal, et al.
		US-5,843,017	12-01-1998	Yoon
		US-5,827,281	10-27-1998	Levin
		US-5,827,279	10-27-1998	Hughett, et al.
		US-5,817,062	10-06-1998	Flom, et al.
		US-5,817,061	10-06-1998	Goodwin, et al.
		US-5,810,811	09-22-1998	Yates, et al.
		US-5,807,393	09-15-1998	Williamson, IV, et al.
		US-5,797,907	08-25-1998	Clement
		US-5,755,717	05-26-1998	Yates, et al.
		US-5,735,848	04-07-1998	Yates, et al.
		US-5,709,680	01-20-1998	Yates, et al.
		US-5,707,382	01-13-1998	Sierocuk, et al.
		US-5,693,051	12-02-1997	Schulze, et al.
		US-5,690,847	11-25-1997	LeValley, et al.
		US-5,688,286	11-18-1997	Yoon
		US-5,688,270	11-18-1997	Yates, et al.
		US-5,665,085	09-09-1997	Nardella
		US-5,647,871	07-15-1997	Levine, et al.
		US-5,601,601	02-11-1997	Tal, et al.
		US-5,595,565	01-21-1997	Treat, et al.

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.



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				<b>Complete if Known</b>	
				Application No.	10/054,477
				Filing Date	January 18, 2002
				First Named Inventor	Michael C. Stewart
				Art Unit	3739
Examiner Name	Not Yet Known				
Sheet	2	of	5	Attorney Docket Number	80121-05730

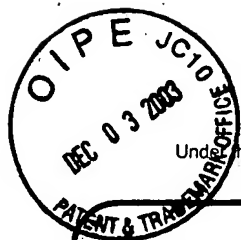
U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-5,591,183	01-07-1997	Chin
		US-5,565,122	10-15-1996	Zinnbauer, et al.
		US-5,556,563	09-17-1996	von der Heyde, et al.
		US-5,527,331	06-18-1996	Kresch, et al.
		US-5,514,236	05-07-1996	Avellanet, et al.
		US-5,512,721	04-30-1996	Young, et al.
		US-5,496,317	03-05-1996	Goble, et al.
		US-5,480,409	01-02-1996	Riza
		US-5,458,598	10-17-1995	Feinberg, et al.
		US-5,452,513	09-26-1995	Zinnbauer, et al.
		US-5,451,223	09-19-1995	Ben-Simhon
		US-5,447,502	09-05-1995	Haaga
		US-5,445,638	08-29-1995	Rydell, et al.
		US-5,443,463	08-22-1995	Stern, et al.
		US-5,411,508	05-02-1995	Bessler, et al.
		US-5,403,312	04-04-1995	Yates, et al.
		US-5,401,273	03-28-1995	Shippert
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		US-5,376,087	12-27-1994	Haber, et al.
		US-5,360,428	11-01-1994	Hutchinson, Jr.
		US-5,352,222	10-04-1994	Rydell
		US-5,336,229	08-09-1994	Noda
		US-5,336,221	08-09-1994	Anderson
		US-5,330,497	07-19-1994	Freitas, et al.
		US-5,290,286	03-01-1994	Parins

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application No.	10/054,477
Filing Date	January 18, 2002
First Named Inventor	Michael C. Stewart
Art Unit	3739
Examiner Name	Not Yet Known
Attorney Docket Number	80121-05730

Sheet 3 of 5

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number - Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-5,290,249	03-01-1994	Foster, et al.
		US-5,276,306	01-04-1994	Huffman
		US-5,267,998	12-07-1993	Hagen
		US-5,258,006	11-02-1993	Rydell, et al.
		US-5,250,046	10-05-1993	Lee
		US-5,226,908	07-13-1993	Yoon
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		US-5,217,458	06-08-1993	Parins
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		US-5,197,649	03-30-1993	Bessler, et al.
		US-5,192,280	03-09-1993	Parins
		US-5,190,541	03-02-1993	Abele, et al.
		US-5,171,255	12-15-1992	Rydell
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		US-5,122,137	06-16-1992	Lennox
		US-5,046,251	09-10-1991	Scott
		US-4,985,030	01-15-1991	Melzer, et al.
		US-4,979,771	12-25-1990	Childs, III
		US-4,931,042	06-05-1990	Holmes, et al.
		US-4,671,274	06-09-1987	Sorochenko
		US-4,662,068	05-05-1987	Polonsky
		US-4,655,216	04-07-1987	Tischer

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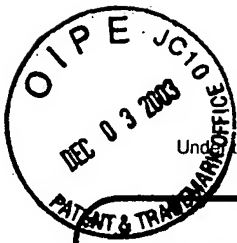
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80121/05730/DOCS/1393503.1





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**INFORMATION DISCLOSURE  
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Application No.	10/054,477
Filing Date	January 18, 2002
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Sheet 4 of 5

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number - Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-4,597,379	07-01-1986	Kihn, et al.
		US-4,516,574	05-14-1985	Hewes, Jr.
		US-4,493,320	01-15-1985	Treat
		US-4,370,980	02-01-1983	Lottick
		US-4,359,052	11-16-1982	Staub
		US-4,315,510	02-16-1982	Kihn
		US-4,285,753	08-25-1981	Warthen
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		US-4,196,734	04-08-1980	Harris
		US-4,031,898	06-28-1977	Hiltebrandt, et al.
		US-4,030,743	06-21-1977	Warthen
		US-3,938,527	02-17-1976	Rioux, et al.
		US-3,934,115	01-20-1976	Peterson
		US-3,929,137	12-30-1975	Gonser
		US-3,772,127	11-13-1973	James
		US-3,625,202	12-07-1971	Oyoshirhara, et al.
		US-3,613,682	10-19-1971	Naylor
		US-3,439,523	04-22-1969	Wood
		US-3,391,690	07-09-1968	Armao
		US-3,354,478	11-28-1967	Allen
		US-3,200,028	08-10-1965	Chisolm
		US-2,031,682	02-25-1936	Wappler, et al.
		US-2,028,635	01-21-1936	Wappler
		US-2,004,559	06-11-1935	Wappler, et al.

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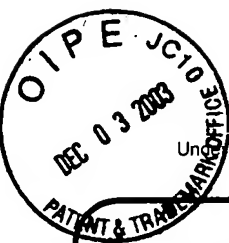
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				Art Unit	3739
				Examiner Name	Not Yet Known
Sheet	5	of	5	Attorney Docket Number	80121-05730

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> – Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
		WO 98/38935	09-11-1998	The Trustees Of Columbia University In The City Of New York, et al.	
		WO 94/24951	11-10-1994	Medical Scientific, Inc.	
		WO 94/24949	11-10-1994	Medical Scientific, Inc.	
		WO 93/08754	05-13-1993	Medical Scientific, Inc.	
		WO 92/08513	05-29-1992	Interventional Thermodynamics, Inc.	
		H24669	10-31-1956	Heinen	
		SU 639545	12-30-1978	Gorinov Trofim et al.	
		DT 2550693	05-26-1977	Karl Storz	
		DE 3002088	07-23-1981	Druckrey et al.	
		SU 1498474	8-7-1989	Vladimir Koshelev et al.	
		DE 40469	08-20-1987	Trullinger	
		EP 0517244 A1	12-09-1992	Hemostatic Surgery Corporation	
		EP 0517244 B1	03-20-1996	Hemostatic Surgery Corporation	
		EP 0518230 B1	05-15-1996	Hemostatic Surgery Corporation	

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OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS				
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